

EXHIBIT II(G)

Exhibit II(G) Time Warner Cable Managed Subscribers - Current and Post Transactions

DMA Rank	Nielsen DMA	Current Subscribers	Bright House Subscribers	Net Gain/Loss	Post-Transaction Attributable Subscribers
1	New York	1,379,086		0	1,379,086
2	Los Angeles	369,975		1,548,771	1,918,746
3	Chicago	0		0	0
4	Philadelphia	49,387		-49,387	0
5	Boston (Manchester)	14,300		1,859	16,159
6	San Francisco-Oak-San Jose	0		0	0
7	Dallas-Ft. Worth	0		579,750	579,750
8	Washington, DC (Hagrstwn)	0		0	0
9	Atlanta	0		0	0
10	Detroit	0	78,424	0	78,424
11	Houston	753,857		0	753,857
12	Seattle-Tacoma	0		918	918
13	Tampa-St. Pete (Sarasota)	0	1,029,683	0	1,029,683
14	Minneapolis-St. Paul	202,472		-202,472	0
15	Phoenix (Prescott), AZ	0		0	0
16	Cleveland-Akron (Canton)	283,109		570,968	854,077
17	Miami-Ft. Lauderdale	0		0	0
18	Denver	0		4,704	4,704
19	Sacramnto-Stktn-Modesto	0		0	0
20	Orlando-Daytona Bch-Melbrn	0	793,109	0	793,109
21	St. Louis	0		0	0
22	Pittsburgh	6,463		0	6,463
23	Baltimore	0		0	0
24	Portland, OR	0		0	0
25	Indianapolis	1,108		0	1,108
26	San Diego	227,513		73,842	301,355
27	Hartford & New Haven	0		0	0
28	Charlotte	384,882		41,199	426,081
29	Raleigh-Durham (Fayetteville)	460,097		11,183	471,280
30	Nashville	0		0	0
31	Kansas City	303,350		0	303,350
32	Milwaukee	416,684		0	416,684
33	Cincinnati	349,323		39,658	388,981
34	Columbus, OH	313,258		51,715	364,973
35	Greenville-Spart-Ashevil-And	8,131		0	8,131
36	Salt Lake City	0		2,044	2,044
37	San Antonio	384,016		0	384,016
38	Grand Rapids-Kalamzoo-B.Crk	0		0	0
39	West Palm Beach-Ft. Pierce	0	1,362	0	1,362
40	Birmingham (Ann and Tusc)	0	68,296	11,133	79,429
41	Norfolk-Portsmth-Newpt Nws	0		14,468	14,468
42	Harrisburg-Lncstr-Leb-York	0		0	0
43	New Orleans	34,716		-34,716	0
44	Memphis	204,018		-202,319	1,699
45	Oklahoma City	0		0	0
46	Buffalo	75,788		357,543	433,331
47	Albuquerque-Santa Fe	0		0	0

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48	Greensboro-H.Point-W/Salem	340,210		11,598	351,808
49	Providence-New Bedford	0		0	0
50	Louisville	0		3,335	3,335
51	Las Vegas	0		0	0
52	Jacksonville, Brunswick	44,989		-44,989	0
53	Wilkes Barre-Scranton	6,250		0	6,250
54	Austin	316,594		0	316,594
55	Albany-Schenectady-Troy	319,639		61,061	380,700
56	Dayton	284,024		11,968	295,992
57	Little Rock-Pine Bluff	0		0	0
58	Fresno-Visalia	0		0	0
59	Knoxville	0		0	0
60	Tulsa	2,193		1,935	4,128
61	Richmond-Petersburg	0		358	358
62	Charleston-Huntington	9,980		33,337	43,317
63	Mobile-Pensacola (Ft Walt)	0	5,999	0	5,999
64	Lexington	0		111,973	111,973
65	Flint-Saginaw-Bay City	0		0	0
66	Wichita-Hutchinson Plus	0		5,011	5,011
67	Roanoke-Lynchburg	284		1,385	1,669
68	Ft. Myers-Naples	62,493		-62,493	0
69	Green Bay-Appleton	147,981		0	147,981
70	Toledo	61,121		63,591	124,712
71	Honolulu	397,253		0	397,253
72	Tucson (Sierra Vista)	0		0	0
73	Des Moines-Ames	0		0	0
74	Portland-Auburn	109,478		145,704	255,182
75	Rochester, NY	259,744		5,124	264,868
76	Omaha	19,054		0	19,054
77	Syracuse	264,185		15,943	280,128
78	Springfield, MO	0		0	0
79	Paducah-Cape Girard-Harsbg	0		795	795
80	Spokane	0		47,137	47,137
81	Shreveport	62,132		-62,132	0
82	Champaign&Sprngfld-Decatur	0		0	0
83	Columbia, SC	163,260		359	163,619
84	Huntsville-Decatur (Flor)	0		4,464	4,464
85	Madison	0		0	0
86	Chattanooga	0		0	0
87	South Bend-Elkhart	0		0	0
88	Cedar Rapids-Wtrlo-IWC&Dub	0		0	0
89	Tri-Cities, TN-VA	0		8,175	8,175
90	Burlington-Plattsburgh	13,018		9,198	22,216
91	Jackson, MS	76,382		-76,382	0
92	Colorado Springs-Pueblo	0		0	0
93	Harlingen-Wslco-Brnsvl-McA	105,113		0	105,113
94	Davenport-R.Island-Moline	0		0	0

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DMA Rank	Nielsen DMA	Current Subscribers	Bright House Subscribers	Net Gain/Loss	Post-Transaction Attributable Subscribers
95	Waco-Temple-Bryan	109,812		0	109,812
96	Baton Rouge	0		0	0
97	Johnstown-Altoona	0		0	0
98	Savannah	0		22,477	22,477
99	Evansville	0		24,618	24,618
100	El Paso (Las Cruces)	108,501		0	108,501
101	Charleston, SC	53,161		1,462	54,623
102	Youngstown	89,094		27,199	116,293
103	Lincoln & Hstngs-Krny Plus	90,338		0	90,338
104	Ft. Wayne	3,765		3,974	7,739
105	Greenville-N.Bern-Washngtn	77,606		1,760	79,366
106	Springfield-Holyoke	6,628		0	6,628
107	Ft. Smith-Fay-Sprngdl-Rgrs	0		0	0
108	Myrtle Beach-Florence	142,818		23,781	166,599
109	Tallahassee-Thomasville	8,395		-8,395	0
110	Lansing	0		0	0
111	Tyler-Longview(Lfkn&Ncgd)	0		0	0
112	Traverse City-Cadillac	0		0	0
113	Montgomery-Selma	0	22,781	0	22,781
114	Reno	0		5,097	5,097
115	Augusta	0		0	0
116	Sioux Falls(Mitchell)	0		0	0
117	Peoria-Bloomington	0		0	0
118	Fargo-Valley City	0		0	0
119	Macon	0		0	0
120	Eugene	0		0	0
121	SantaBarbra-SanMar-SanLuOb	0		0	0
122	Boise	0		3,370	3,370
123	Lafayette, LA	0		0	0
124	Monterey-Salinas	0		0	0
125	Columbus, GA	2,403	5,717	0	8,120
126	Yakima-Pasco-RchInd-Knnwck	0		0	0
127	La Crosse-Eau Claire	0		0	0
128	Bakersfield	0	89,461	1,191	90,652
129	Corpus Christi	92,549		0	92,549
130	Amarillo	0		0	0
131	Chico-Redding	0		1,041	1,041
132	Columbus-Tupelo-West Point	0		639	639
133	Wausau-Rhineland	0		0	0
134	Rockford	0		0	0
135	Monroe-El Dorado	39,748		-39,748	0
136	Duluth-Superior	0		0	0
137	Topeka	0		0	0
138	Beaumont-Port Arthur	89,091		0	89,091
139	Columbia-Jefferson City	0		0	0
140	Wilmington	112,813		4,263	117,076
141	Medford-Klamath Falls	0		0	0

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142	Erie	28,293		41,090	69,383
143	Sioux City	0		0	0
144	Wichita Falls & Lawton	24,689		6,762	31,451
145	Lubbock	0		0	0
146	Joplin-Pittsburg	0		0	0
147	Albany, GA	0		0	0
148	Bluefield-Beckley-Oak Hill	0		14,093	14,093
149	Terre Haute	24,461		0	24,461
150	Salisbury	0		0	0
151	Bangor	0		77,314	77,314
152	Wheeling-Steubenville	0		3,610	3,610
153	Rochestr-Mason City-Austin	0		0	0
154	Binghamton	84,703		4,653	89,356
155	Anchorage	0		0	0
156	Biloxi-Gulfport	0		0	0
157	Minot-Bismarck-Dickinson	0		0	0
158	Odessa-Midland	0		0	0
159	Palm Springs	103,145		65,078	168,223
160	Panama City	0	11,303	0	11,303
161	Sherman, TX-Ada, OK	0		0	0
162	Gainesville	1,051		-1,051	0
163	Abilene-Sweetwater	0		0	0
164	Idaho Falls-Pocatello	0		0	0
165	Clarksburg-Weston	25,279		488	25,767
166	Utica	36,587		47,962	84,549
167	Quincy-Hannibal-Keokuk	0		0	0
168	Hattiesburg-Laurel	0		0	0
169	Missoula	0		0	0
170	Billings	0		0	0
171	Yuma-El Centro	0		51,215	51,215
172	Dothan	12,160		10,189	22,349
173	Elmira (Corning)	55,206		2,454	57,660
174	Jackson, TN	0		0	0
175	Watertown	61,611		0	61,611
176	Alexandria, LA	0		0	0
177	Lake Charles	0		0	0
178	Rapid City	0		0	0
179	Jonesboro	0		0	0
180	Marquette	0		0	0
181	Harrisonburg	0		0	0
182	Bowling Green	0		54	54
183	Greenwood-Greenville	0		13,238	13,238
184	Meridian	0		0	0
185	Charlottesville	0		0	0
186	Lafayette, IN	0		0	0
187	Parkersburg	0		3,540	3,540
188	Great Falls	0		0	0

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DMA Rank	Nielsen DMA	Current Subscribers	Bright House Subscribers	Net Gain/Loss	Post-Transaction Attributable Subscribers
189	Grand Junction-Montrose	0		0	0
190	Laredo	47,652		0	47,652
191	Twin Falls	0		0	0
192	Eureka	0		0	0
193	Butte-Bozeman, MT	0		0	0
194	Lima	29,452		1,125	30,577
195	Cheyenne, WY-Scottsbluff,	0		0	0
196	San Angelo	0		0	0
197	Bend, OR	0		0	0
198	Casper-Riverton	0		0	0
199	Mankato	4,106		-4,106	0
200	Ottumwa-Kirkville	0		0	0
201	St. Joseph	0		0	0
202	Zanesville	22,176		1,458	23,634
203	Presque Isle	8,379		8,988	17,367
204	Fairbanks	0		0	0
205	Victoria	0		0	0
206	Helena	0		0	0
207	Juneau, AK	0		0	0
208	Alpena	0		0	0
209	North Platte	0		0	0
210	Glendive	0		0	0

EXHIBIT III (A)

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

EXHIBIT III (B)

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

EXHIBIT III (C)

**To be submitted upon resolution of request
for higher level confidentiality protection
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EXHIBIT III (E)

**To be submitted upon resolution of request
for higher level confidentiality protection
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EXHIBIT III (F)(1)

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

EXHIBIT III (F)(2)

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

EXHIBIT IV(C)(1)



August 10, 2005

By ECFS (<http://www.fcc.gov/cgb/ecfs/>)

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: WC Docket 05-196 — **SUBSCRIBER NOTIFICATION REPORT**

Dear Ms. Dortch:

On behalf of Time Warner Cable,¹ I am writing in connection with the Enforcement Bureau's Public Notice released in this docket on July 26, 2005.²

On June 3, 2005, the Commission released an *Order* requiring providers of "Interconnected VoIP Service" to advise all subscribers of certain E911-related information.³ In particular, the Commission stated: "[B]y the effective date of this Order, we require that all providers of interconnected VoIP service specifically advise every subscriber, both new and existing, prominently and in plain language, [of] the circumstances under which E911 service may not be available through the interconnected VoIP service or may be in some way limited by comparison to traditional E911 service. VoIP providers shall obtain and keep a record of affirmative acknowledgement by every subscriber, both new and existing, of having received and understood

¹ I am the person responsible for the Company's compliance efforts relating to E911. My title is Vice President & Chief Counsel, Telephony. My address is: Time Warner Cable, 290 Harbor Drive, Stamford, Connecticut 06902. My phone number is 203-328-0671, and my e-mail address is julie.patterson@twcable.com.

² *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, Public Notice, WC Docket Nos. 04-36 & 05-196, DA 05-2085 (rel. July 26, 2005) ("*Public Notice*").

³ *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, WC Docket Nos. 04-36 & 05-196, FCC 05-116 (rel. June 3, 2005) ("*Order*").

this advisory.”⁴ The *Order* further required providers to furnish subscribers with certain warning stickers.⁵

On July 26, 2005, the Enforcement Bureau released a *Public Notice*, in which it stated that “it will not initiate enforcement action, until August 30, 2005, against any provider of interconnected VoIP service regarding the requirement that it obtain affirmative acknowledgement by every existing subscriber on the condition that the provider file a detailed report with the Commission by August 10, 2005”⁶ The Bureau stated that the report must include: (1) a description of actions taken to advise subscribers; (2) a quantification of how many subscribers have submitted an acknowledgement and an estimate of the percentage of subscribers that will not do so by August 29; (3) a description of efforts to furnish subscribers with warning stickers; (4) a quantification of how many subscribers were not sent an advisory; (5) a description of actions planned towards subscribers that do not submit an acknowledgement; (6) a description of the way in which acknowledgements are maintained; and (7) a designation of a person responsible for compliance efforts.⁷ This letter contains Time Warner Cable’s report.

Using its own upgraded hybrid fiber-coaxial cable-television facilities, Time Warner Cable provides an IP-based voice service under the brand name “Digital Phone.” Time Warner Cable began providing Digital Phone service more than two years ago in select operating divisions. It now provides the service throughout its footprint. As of June 30, 2005, Time Warner Cable had approximately 614,000 Digital Phone subscribers.

When subscribers order Digital Phone service, Time Warner Cable dispatches professional technicians to install an embedded multimedia terminal adapter (or “eMTA”), which is a voice-enabled cable modem that contains an RJ-11 outlet. Like traditional cable modems, eMTAs are powered by electricity drawn from a standard power outlet at the customer’s premises. Time Warner Cable’s eMTAs do, however, contain a battery back-up that is good for at least four hours of service.

Unlike IP-based voice services that use the public Internet, Digital Phone is not intended to be a “nomadic” service. This is not simply a matter of Time Warner Cable’s terms of service, which prohibit customers from moving the eMTA.⁸ It is also due to the nature of Time Warner Cable’s Digital Phone service, which is designed not to be used in connection with the Internet, but

⁴ *Id.* ¶ 48.

⁵ *See id.*

⁶ Public Notice at 2.

⁷ *Id.* at 2-3.

⁸ *See* Time Warner Cable Digital Phone Subscription Agreement, § 2(i) (“Transfer of . . . the Operator’s Equipment by Subscriber to any other person or entity, or to a new residence or other location, is prohibited.”).

rather to work over Time Warner Cable's cable-television facilities. Indeed, in virtually all cases, Time Warner Cable's eMTAs simply will not function if moved.⁹

Since launching Digital Phone service in early 2003, Time Warner Cable has ensured that Digital Phone service has included Enhanced 911 capabilities. This E911 service is provided by sending automatic number information ("ANI") and automatic location information ("ALI") directly to public safety answering point ("PSAP") emergency dispatchers over the existing wireline 911 network. In addition, Time Warner Cable does not begin providing Digital Phone service to subscribers in a given area unless and until the E911 service is tested and certified by the local PSAP.

Because it uses the existing wireline 911 infrastructure, Time Warner Cable's E911 service is virtually identical to that provided by incumbent LECs. Unlike the twisted copper wire used by incumbent LECs, however, the fiber and coaxial wire used in Time Warner Cable's systems does not carry power. Thus, a commercial power failure can cause eMTAs to stop functioning,¹⁰ though Time Warner Cable's eMTAs do have at least four hours of battery back-up power. In addition, power outages may affect some of the equipment between the subscriber and the head-end (because not all such equipment has back-up power), but that is true with respect to incumbent LEC networks as well.¹¹

Since Time Warner Cable first launched Digital Phone service, it has provided subscribers with appropriate advisories. *First*, each subscriber is furnished, at the time of installation, with a printed copy of the Time Warner Cable Subscriber Agreement, which includes clauses in which E911 issues are specifically addressed.¹² *Second*, it is Time Warner Cable's policy that, at the time

⁹ The only exception is that eMTAs may work in the limited circumstance where a customer would move them to the premises of another Time Warner Cable customer served off the same node. Such moves, however, would violate the Subscriber agreement.

¹⁰ This is also the case with cordless telephones used by many subscribers to traditional telephone service.

¹¹ Network equipment can also fail for other reasons. For example, fiber-related electronic equipment may stop functioning due to hardware or software failure, even while power is alive. But, again, that is true of incumbent LEC equipment as well.

¹² See Time Warner Cable Digital Phone Subscription Agreement, § 2(d) ("Subscriber expressly acknowledges that the Digital Phone Service does not have its own power source and will not be available without an independent power supply and that, under certain circumstances, including if the electrical power and/or Operator's cable network or facilities are not operating, the Digital Phone Service, including the ability to access emergency 911 services, will not be available."); *id.* § 2(i) ("Transfer of all or a portion of the account, the Digital Phone Service or the Operator's Equipment by Subscriber to any other person or entity, or to a new residence or other location, is prohibited. Subscriber expressly acknowledges that the address associated with an emergency 911 call is the authorized address where the Digital Phone Service was originally provided and that movement of the voice-enabled cable modem from the original service location will result in the identification of emergency 911 calls from the original service location. Access to

of installation, service technicians must require subscribers to sign a work order that includes, prominently and in plain language directly above the signature line, a notice that Digital Phone service, including the ability to access E911 service, will not be available in the event of a power or network failure.¹³ By signing the work order, the Digital Phone subscriber also acknowledges having received the Subscriber Agreement.¹⁴ *Third*, whether they sign up via telephone, over the Internet, or in person, all new Digital Phone subscribers are informed that Digital Phone service may not be available in case of a power outage. *Finally*, Time Warner Cable's websites and other marketing materials contain E911-related advisories.¹⁵

Based on these policies and practices, Time Warner Cable believes that it has already notified, and obtained the affirmative acknowledgement of, each of its existing Digital Phone subscribers as to the terms and conditions regarding Time Warner Cable's provision of E911 service.¹⁶ Nevertheless, out of an abundance of caution — and in light of the Commission's *Order* and the important public policy interests involved in ensuring that voice customers understand the nature of the E911 that they receive — Time Warner Cable has undertaken the following additional steps to remind subscribers of these matters:

- * By August 20, 2005, Time Warner Cable will have completed a mailing campaign in which it is sending all of its Digital Phone subscribers, on a rolling basis, a letter providing fresh advisories concerning E911 service and requesting them affirmatively to acknowledge their receipt and understanding of the advisory.
- * This mailing also includes E911-related warning stickers, which had not been required at the time that Time Warner Cable signed up most of its current Digital Phone subscribers.

emergency 911 services will therefore be limited if the voice-enabled cable modem is moved from the original service location.”).

¹³ Specifically, the work order states as follows: “[M]y signature on this work order indicates that I have received and agreed to Section 2(d) of the Digital Phone Subscription Agreement, which has informed me that the Digital Phone Service does not include an independent power source and that, if the electrical power and/or Time Warner Cable's network are not operating, the Digital Phone Service, including the ability to access emergency 911 services, will not be available.”

¹⁴ Copies of these work orders are maintained by local Time Warner Cable operating divisions in accordance with Time Warner Cable's records management and maintenance policies.

¹⁵ See, e.g., Time Warner Cable Inc., *Digital Phone FAQs*, at <http://www.timewarnercable.com/CustomerService/FAQ/TWCFaqs.ashx?faqID=1163&MarketID=0&CatID=637> (“Please note that Digital Phone service does not include back-up power. As in the case with a cordless phone, should there be a power outage, Digital Phone service, including the ability to access 911 services, will not be available until the power is restored.”).

¹⁶ In light of these consents, Time Warner Cable does not believe that there is cause to take further action, such as disconnecting service, with respect to any of its Digital Phone subscribers.

- * Time Warner Cable has sent to all subscribers for whom it has a valid e-mail address on file an electronic version of the E911 notifications, which directs subscribers to a toll-free telephone number or website to submit their acknowledgement.
- * Time Warner Cable has begun a telephone calling campaign to advise each of its subscribers of the E911 service issues, to ensure that they have received warning stickers and E911 notices, and to request additional acknowledgements from subscribers.¹⁷
- * With respect to new subscribers, Time Warner Cable is continuing to adhere to the policies explained above and is implementing a new policy of distributing warning stickers at the time of installation.

Please contact me if I can be of assistance with additional information.

Respectfully submitted,

/s/

Julie Y. Patterson

Copies by e-mail to:

- Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau, byron.mccoy@fcc.gov;
- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, kathy.berthot@fcc.gov;
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, janice.myles@fcc.gov;
- Best Copy and Printing, Inc. (BCPI), fcc@bcpiweb.com.

¹⁷ Copies of all of the foregoing subscriber acknowledgement records — including telephonic and e-mail acknowledgements — will be maintained by local Time Warner Cable operating divisions in accordance with Time Warner Cable's records managements and maintenance policies.

EXHIBIT IV(C)(2)



September 1, 2005

By ECFS (<http://www.fcc.gov/cgb/ecfs/>)

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: WC Docket 05-196 — **SUBSCRIBER NOTIFICATION REPORT**
(SEPTEMBER 1, 2005)

Dear Ms. Dortch:

On behalf of Time Warner Cable, I am writing in connection with the Enforcement Bureau's Public Notice released in this docket on August 26, 2005.¹ This letter supplements the letter that we submitted in this docket on August 10, 2005.²

In our *August Letter*, we explained that, based on Time Warner Cable's policies and practices predating the Commission's June 3, 2005, order in this docket,³ "Time Warner Cable believes that it has already notified, and obtained the affirmative acknowledgement of, each of its existing Digital Phone subscribers as to the terms and conditions regarding Time Warner Cable's provision of E911 service."⁴ As our *August Letter* also explained, however, "out of an abundance of caution — and in light of the Commission's Order and the important public policy interests involved in ensuring that

¹ *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, Public Notice, WC Docket Nos. 04-36 & 05-196, DA 05-2358 (rel. Aug. 26, 2005) ("*August Public Notice*").

² Letter from Julie Y. Patterson to Marlene H. Dortch, WC Docket 05-196, Aug. 10, 2005 ("*August Letter*").

³ *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005) ("*June Order*").

⁴ *August Letter* at 4. We further explained that, "in light of these consents, Time Warner Cable does not believe that there is cause to take further action, such as disconnecting service, with respect to any of its Digital Phone subscribers." *Id.* at n.16.

voice customers understand the nature of the E911 that they receive — Time Warner Cable has undertaken [certain] additional steps to remind subscribers of these matters.”⁵

Among other things, our *August Letter* explained that, “by August 20, 2005, Time Warner Cable will have completed a mailing campaign in which it is sending all of its Digital Phone subscribers, on a rolling basis, a letter providing fresh advisories concerning E911 service and requesting them affirmatively to acknowledge their receipt and understanding of the advisory. . . . This mailing also includes E911-related warning stickers”⁶ The mailing campaign was completed as planned. Thus, all Digital Phone subscribers have been sent warning stickers and fresh advisories.

Time Warner Cable’s *August Letter* also explained that “Time Warner Cable has begun a telephone calling campaign to advise each of its subscribers of the E911 service issues, to ensure that they have received warning stickers and E911 notices, and to request additional acknowledgements from subscribers.”⁷ That telephone campaign is ongoing.

Please contact me if I can be of assistance with additional information.

Respectfully submitted,

/s/

Julie Y. Patterson

Copies by e-mail to:

- Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau, byron.mccoy@fcc.gov;
- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, kathy.berthot@fcc.gov;
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, janice.myles@fcc.gov;
- Best Copy and Printing, Inc. (BCPI), fcc@bcpiweb.com.

⁵ *Id.* at 4.

⁶ *Id.*

⁷ *Id.*

EXHIBIT IV(C)(3)



September 22, 2005

By ECFS (<http://www.fcc.gov/cgb/ecfs/>)

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: WC Docket 05-196 — **SUBSCRIBER NOTIFICATION REPORT**
(SEPTEMBER 22, 2005)

Dear Ms. Dortch:

On behalf of Time Warner Cable, I am writing in connection with the Enforcement Bureau's Public Notice released in this docket on August 26, 2005.¹ This letter supplements the letters that we submitted in this docket on August 10, 2005, and September 1, 2005.²

In our *August 10 Letter*, we explained that, based on Time Warner Cable's policies and practices predating the Commission's June 3, 2005, order in this docket,³ "Time Warner Cable believes that it has already notified, and obtained the affirmative acknowledgement of, each of its existing Digital Phone subscribers as to the terms and conditions regarding Time Warner Cable's provision of E911 service."⁴ As our *August 10 Letter* also explained, however, "out of an abundance of caution — and in light of the Commission's Order and the important public policy interests involved in ensuring that voice customers understand the nature of the E911 that they receive —

¹ *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, Public Notice, WC Docket Nos. 04-36 & 05-196, DA 05-2358 (rel. Aug. 26, 2005).

² Letter from Julie Y. Patterson to Marlene H. Dortch, WC Docket 05-196, Aug. 10, 2005 ("*August 10 Letter*"); Letter from Julie Y. Patterson to Marlene H. Dortch, WC Docket 05-196, Sept. 1, 2005 ("*September 1 Letter*").

³ *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005).

⁴ *August 10 Letter* at 4. We further explained that, "in light of these consents, Time Warner Cable does not believe that there is cause to take further action, such as disconnecting service, with respect to any of its Digital Phone subscribers." *Id.* at n.16.

Time Warner Cable has undertaken [certain] additional steps to remind subscribers of these matters.”⁵

Among other things, our *August 10 Letter* explained that, “by August 20, 2005, Time Warner Cable will have completed a mailing campaign in which it is sending all of its Digital Phone subscribers, on a rolling basis, a letter providing fresh advisories concerning E911 service and requesting them affirmatively to acknowledge their receipt and understanding of the advisory. . . . This mailing also includes E911-related warning stickers”⁶ As we reported in our *September 1 Letter*, the mailing campaign was completed as planned. Thus, all Digital Phone subscribers have been sent warning stickers and fresh advisories.

Time Warner Cable’s *August 10 Letter* also explained that “Time Warner Cable has begun a telephone calling campaign to advise each of its subscribers of the E911 service issues, to ensure that they have received warning stickers and E911 notices, and to request additional acknowledgements from subscribers.”⁷ That telephone campaign remains ongoing.

Please contact me if I can be of assistance with additional information.

Respectfully submitted,

/s/

Julie Y. Patterson

Copies by e-mail to:

- Byron McCoy, Telecommunications Consumers Division, Enforcement Bureau, byron.mccoy@fcc.gov;
- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, kathy.berthot@fcc.gov;
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, janice.myles@fcc.gov;
- Best Copy and Printing, Inc. (BCPI), fcc@bcpiweb.com.

⁵ *Id.* at 4.

⁶ *Id.*

⁷ *Id.*

EXHIBIT IV(C)(4)



November 28, 2005

By ECFS (<http://www.fcc.gov/cgb/ecfs/>)

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: WC Docket 04-36; WC Docket 05-196 — **COMPLIANCE LETTER**

Dear Ms. Dortch:

Time Warner Cable hereby submits this Compliance Letter in the above-referenced dockets.

On June 3, 2005, the Commission released an *Order* requiring providers of “interconnected VoIP service” to “supply enhanced 911 (E911) capabilities to their customers.”¹ The *Order* also required interconnected VoIP providers to submit, by November 28, 2005, “a letter . . . detailing their compliance with our rules.”²

On November 7, 2005, the Enforcement Bureau released a Public Notice that “sets forth the specific information that interconnected [VoIP] service providers must include in the Compliance Letters required by [the *Order*].”³ The Bureau stated that a provider’s compliance letter must address: (1) the 911 solution that the provider has employed (including information concerning routing information and connectivity to the wireline E911 network, transmission of a caller’s number and location information, and the extent of 911 coverage); (2) the provider’s method of obtaining initial and updated subscriber location information; and (3) any technical

¹ *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, ¶ 1 (2005) (“*Order*”).

² *Id.* ¶ 50.

³ *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, Public Notice, WC Docket Nos. 04-36 & 05-196, DA 05-2945, at 1 (rel. Nov. 7, 2005) (“*November Public Notice*”).

solution that the provider is implementing “to ensure that subscribers have access to 911 service whenever they use their service nomadically.”⁴

1. Time Warner Cable’s Enhanced 911 Solution.

Using its own upgraded hybrid fiber-coaxial cable-television facilities, Time Warner Cable provides an IP-based voice service under the brand name “Digital Phone.” Since its initial trial deployment in late 2002, Time Warner Cable has ensured that Digital Phone service has included Enhanced 911 functionality. Time Warner Cable’s E911 service is provided by transmitting automatic number information (“ANI”) and automatic location information (“ALI”) directly to public safety answering point (“PSAP”) emergency dispatchers over the existing wireline 911 network. Specifically, along with each Digital Phone 911 call, ANI and ALI information is transmitted to the appropriate Selective Router and delivered to the appropriate PSAP over dedicated 911 trunk lines between the Selective Router and the PSAP. Routing to the appropriate PSAP is accomplished by the Selective Router, which determines, based on the caller’s service address, the correct PSAP that serves the caller’s geographic location.

In some geographic areas, Time Warner Cable interconnects directly to the existing wireline 911 network in the area, so that 911 calls are transmitted directly from Time Warner Cable’s own or leased facilities to the local Selective Router, and then routed, along with ANI and ALI, to the geographically appropriate PSAP. In other areas, Time Warner Cable interconnects to the wireline 911 network indirectly, through service agreements with carriers such as Sprint and MCI. Where Time Warner Cable relies on indirect connections, the intermediary carriers have access to, and interconnect with, the local Selective Routers. This ensures that all 911 calls originated by Time Warner Cable subscribers in those areas are sent, along with ANI and ALI, to the correct PSAP. As of November 28, 2005, Time Warner Cable has interconnected, directly or indirectly, with approximately 100 Selective Routers.

Time Warner Cable does not begin providing Digital Phone service to subscribers in a given area unless and until the PSAPs in that area are capable of receiving and processing the 911 caller’s ANI and ALI information. Accordingly, one hundred percent of the PSAPs within Time Warner Cable’s current Digital Phone service area are capable of receiving and processing the ANI and ALI information that Time Warner Cable submits. In addition, Time Warner Cable does not begin providing Digital Phone service to subscribers in a given area unless and until the E911 service, including the transmission and processing of ANI and ALI, is tested and certified in coordination with the local PSAP. Thus, all Time Warner Cable Digital Phone subscribers receive enhanced 911 service that is compliant with the rules established in the *Order*, and Time Warner Cable is in compliance with the requirements of the *Order* in all parts of the country in which it offers Digital Phone service.

⁴ *Id.* at 4.

2. Obtaining and Updating Registered Location Information.

As described herein, Time Warner Cable has obtained the "Registered Location" of one hundred percent of its Digital Phone subscribers.

When new subscribers order Digital Phone service, they must provide and confirm the physical location of their service address during the order process. This is done whether a Digital Phone sale is made over the telephone, over a secure Time Warner Cable website, or in person. In the vast majority of cases, during the sales process, an installation appointment for each customer is arranged. On the pre-arranged date, Time Warner Cable dispatches a professional technician to the subscriber's home to install an embedded multimedia terminal adapter (or "eMTA"), which is a voice-enabled cable modem that contains an RJ-11 outlet, and to perform any necessary inside wiring work at the subscriber's premises. As part of this installation service call, the Time Warner Cable technician verifies that the address information that the subscriber provided to Time Warner Cable during the initial sale is correct. In addition, after the initial sale and before the service installation at the subscriber's premises, Time Warner Cable begins the process of provisioning Digital Phone E911 service to that subscriber by submitting the subscriber's address information to the appropriate ALI database, which may be maintained by the incumbent local exchange carrier in that area, a 911 governmental entity, or a third party 911 contractor. The physical address information contained in the ALI database for each Digital Phone subscriber is the "Registered Location" for that subscriber within the meaning of the *Order*.⁵ Therefore, Time Warner Cable obtains a Registered Location for each of its subscribers as of both the initial sale of service and the initial date of service. In addition, as described above, Time Warner Cable submits that Registered Location to the ALI database prior to physically installing service at the subscriber's premise.

On the rare occasions that a subscriber does not port his or her telephone number and does not require that inside wiring work be performed at the premises, the subscriber may opt to use a Digital Phone self-installation kit rather than arrange for an in-home installation performed by a Time Warner Cable technician. In those cases, an eMTA associated with a new telephone number is provided to the subscriber, and the subscriber provides and confirms to Time Warner Cable the physical location where service will be maintained. When the sale of Digital Phone is made and the eMTA and self-installation kit is provided to the subscriber, Time Warner Cable immediately provisions the Digital Phone E911 service by submitting the subscriber's ANI and ALI information to the ALI database.

If a Digital Phone subscriber moves to a new residence and wishes to retain his or her Digital Phone service, the subscriber must terminate service at the initial location and order service at the new location. When the subscriber calls to notify Time Warner Cable of the move, Time Warner Cable schedules a new installation appointment and dispatches a technician to provision Digital Phone service at the new location. As with an initial installation, the

⁵ See *Order* ¶ 46.

technician will provide, if necessary, and set up the eMTA and perform any necessary inside wiring work to ensure that Digital Phone operates throughout the home. Apart from service activation, this service call also allows Time Warner Cable to verify the subscriber's new address. Just as with a new subscriber, Time Warner Cable submits the subscriber's ANI and ALI information with the ALI database after being notified of the move and before installing service in the new location. This new ALI entry then becomes the subscriber's new Registered Location.

3. Technical Solutions for Nomadic Subscribers.

As explained in a prior Subscriber Notification Report in this docket,⁶ Time Warner Cable Digital Phone is not a nomadic service. Digital Phone service was designed not to be used over the public Internet, but rather to operate only when provided over Time Warner Cable's hybrid fiber-coaxial cable television plant and used in conjunction with Time Warner Cable's switching and routing facilities. Accordingly, the eMTA devices used in connection with Digital Phone were not designed to be moved.⁷ Thus, the technical solutions that have been designed "to ensure that subscribers have access to 911 service whenever they use their service nomadically"⁸ — such as the automatic detection mechanisms that other VoIP providers intend to add to their Internet-based VoIP services⁹ — are not applicable to the fixed, facilities-based Digital Phone service provided over Time Warner Cable's cable network.

The fixed nature of the Digital Phone service also means that "updating information regarding the user's physical location"¹⁰ occurs only in the context of a permanent address

⁶ See Letter from Julie Y. Patterson, Vice President and Chief Counsel, Telephony, Time Warner Cable Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket 05-196 (filed Aug. 10, 2005) ("*August 10 Letter*").

⁷ In virtually all cases, Time Warner Cable's eMTAs simply will not function if moved. As noted in our *August 10 Letter*, an eMTA might work in the event that a customer moved the device to the premises of another Time Warner Cable customer who happens to be served off the same node. *August 10 Letter* at 4 n.9. In addition to the technical limitations, Time Warner Cable's Digital Phone Subscriber Agreement and Terms of Service prohibit customers from moving the eMTA. See, e.g., Time Warner Cable Digital Phone Subscription Agreement, § 2(i) ("Transfer of . . . the Operator's Equipment by Subscriber to any other person or entity, or to a new residence or other location, is prohibited.").

⁸ *November Public Notice* at 4.

⁹ See, e.g., Letter from Robert W. Quinn, Jr., Vice President, Federal Government Affairs, AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36, 05-196 (filed Oct. 7, 2005).

¹⁰ *Order* ¶ 46. By its terms, the requirement applies only to "providers of interconnected VoIP services that can be utilized from more than one physical location." *Id.*

change — not in the context of nomadic use of the service. As described above, changes to the physical location of a subscriber's Digital Phone equipment require a call to Time Warner Cable's customer service representatives before the service can be used at the new residence at all, and service is actually terminated at the previous location and re-initiated at the new location.¹¹ During that process, Time Warner Cable automatically updates the subscriber's Registered Location by provisioning E911 service at the new location as part of the service activation at that new location.

Please contact me if I can be of assistance with additional information.

Respectfully submitted,

/s/

Julie Y. Patterson

Copies by e-mail to:

- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, kathy.berthot@fcc.gov;
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, janice.myles@fcc.gov;
- Best Copy and Printing, Inc. (BCPI), fcc@bcpiweb.com.

¹¹ Ordinarily, a Digital Phone subscriber could place this customer service call using his or her Digital Phone equipment. If the subscriber waits until after his or her move to contact Time Warner Cable, however, the subscriber will be unable to use Digital Phone equipment at the new location for any purpose — including updating location information — until a technician has activated Digital Phone service.

EXHIBIT IV(C)(5)

August 10, 2005

Via Electronic Filing

Marlene Dortch
Federal Communications
Enforcement Bureau
445 12th Street SW
Washington, DC 20554

**Re: AOL Enhanced Services, LLC Subscriber Notification Report in WC Docket No.
05-196**

Dear Ms. Dortch:

On behalf of AOL Enhanced Services, LLC ("AOL"), I hereby enclose AOL's report providing the information requested by the Enforcement Bureau concerning the Commission's July 29, 2005 subscriber notification deadlines for interconnected Voice over Internet Protocol providers. *See Public Notice: Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, DA 05-2085 (rel. July 26, 2005). Please feel free to contact me if you have any questions regarding this filing.

Sincerely,

_____/s/_____
Tekedra McGee Jefferson
Assistant General Counsel
America Online, Inc.
22000 AOL Way
Dulles, VA 20166
(703) 265-6527
TekedraM@aol.com

**AOL Enhanced Services, LLC
Subscriber Notification Report**

WC Docket No. 05-196

August 10, 2005

AOL Enhanced Services, LLC ("AOL"), a wholly-owned subsidiary of America Online, Inc., provides the information requested by the Enforcement Bureau in its July 26, 2005 public notice¹ on the Commission's subscriber notification requirements for interconnected Voice over Internet Protocol ("VoIP") providers.² As requested in the July 26, 2005 public notice, AOL describes: its efforts to notify its AOL Internet Phone Service subscribers of the limitations of its VoIP emergency E911 service and obtain customer acknowledgement of these limitations; its efforts to provide its customers with warning stickers regarding these limitations; the actions its plans to take with regard to customers who fail to provide the required acknowledgement by August 30, 2005; and the measures it has taken to maintain acknowledgements received from subscribers.

To date, as a result of its concerted efforts described below, AOL has obtained acknowledgements from 98% percent of the subscriber base.³ AOL is continuing its efforts to obtain acknowledgements from its few remaining subscribers. For questions regarding AOL's E911 compliance activities described below, please contact:

Tekedra McGee Jefferson
Assistant General Counsel
America Online, Inc.
22000 AOL Way
Dulles, VA 20166
(703) 265-6527
TekedraM@aol.com

AOL Internet Phone Service, to be branded as TotalTalk™, uses existing high-speed Internet connections to offer consumers unlimited local and long distance voice services. AOL's April 2005 launch of the service included 40 metropolitan areas across the United States, and AOL anticipates that, by the end of this year, more than 70 percent of U.S. households will be able to subscribe to this exciting new offering.⁴ While AOL's Internet Phone Service has nomadic capabilities and thus presents challenges for implementing E911, AOL is strongly committed to ensuring that its subscribers have access to vital emergency services.

¹ See *Public Notice: Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, DA 05-2085 (rel. July 26, 2005) ("*Extension Notice*").

² See *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116 (rel. Jun 3, 2005).

³ AOL has also obtained acknowledgements from 82% percent of its beta test users.

⁴ AOL's Internet Phone Service offers any-distance calling packages (AOL also offers metered in-state and long distance calling plans); call waiting, caller ID, and related features; toll-free calling; international calling; directory assistance; operator services; and telecommunications relay services. Subscribers also can port existing telephone numbers and retain directory listings.

I. Notification Activities

A. Existing Subscribers

AOL has undertaken a substantial effort to inform its existing AOL Internet Phone Service customers regarding the limitations of its VoIP emergency E911 service compared to traditional circuit-switched E911 service, and to obtain customers' acknowledgement that they understand these limitations. In particular, AOL has used and still uses pop-ups in the AOL client software, emails, direct mail, voice mail messages, and phone calls in order to inform existing customers of such limitations and obtain their acknowledgement that they understand these limitations. Each method employed by AOL is described in more detail below.

1. Pop-Up

AOL Internet Phone Service customers receive a pop-up message when they open the AOL client software. The pop-up advises the subscriber of the limitations of the AOL Internet Phone Service emergency service (E911) vis-à-vis traditional 911 service. At the end of this notification, the customer must select one of two buttons -- "I Agree" or "I Do Not Understand" -- in order to continue use of the AOL client software. If the customer clicks the "I Agree" button, he/she will not see the pop-up again when he/she opens the AOL client. If the customer clicks the "I Do Not Understand" button, he/she is directed to customer service for further assistance. When this customer opens the AOL client again, he/she will receive the pop-up again. AOL has employed the pop-up notification and acknowledgement process since July 12, 2005.

In addition to the automatic pop-up that customers face when they open the AOL client software, AOL has set up its AOL Keyword to facilitate notification and acknowledgement of the E911 limitations by its AOL Internet Phone Service customers. When a customer enters AOL Keyword "E911," the customer will be linked directly to the pop-up.⁵ If the customer has already clicked the "I Agree" button, the pop-up will notify him/her that he/she has already agreed to the notification. If the customer has not yet clicked the "I Agree" button, he/she must click either the "I Agree" or "I Do Not Understand" button in order to continue. The AOL Keyword link to the E911 notification pop-up has been running since July 12, 2005.

2. Email Notification

AOL sent email communications to its AOL Internet Phone Service customers containing the same notification regarding the E911 limitations as the pop-up described above, and alerting customers that their service may be terminated if they fail to submit an acknowledgement of the E911 limitations in a timely manner. The email directed the customers to AOL Keyword "E911" in order for them to receive the notification described above and acknowledge doing so. The first email message was sent

⁵ An AOL member who is not an interconnected VoIP subscriber will receive the regular search results for the term "E911."

on July 14, 2005. A follow-up email message was sent on July 21, 2005. On August 8, 2005, AOL sent an additional email message to the few remaining customers who had not yet responded.

For non-paying beta users, AOL sent a similar email communication warning the customer that their service will be disconnected on or before August 25, 2005. The email was sent on July 28, 2005 to all beta users who had not yet responded. The email stated that, if these users failed to provide their acknowledgement by midnight on July 31, 2005, their service would be disconnected between August 1 and August 25, 2005.⁶

3. Direct Mail

AOL sent a direct mail communication to all AOL Internet Phone Service customers. These letters were mailed between July 19 and July 26. The direct mailing included the same disclosure regarding the limitations of VoIP E911 as the pop up disclosure, and directed the customers to AOL Keyword "E911" in order for them to receive the notification described above and acknowledge doing so. In addition, these letters included an acknowledgement form that the customer was asked to fax to AOL. These letters also included a sheet of six (6) E911 warning stickers for customers to place on their AOL Internet Phone Service equipment.

4. Voice-Mail

AOL sent two voice-mail messages to existing customers directing them to AOL Keyword "E911" in order for them to receive the notification described above and acknowledge doing so. The first voice-mail message was sent on July 19, 2005 and the second voice-mail message was sent on July 25, 2005.

5. Phone Calls

Beginning on July 27, 2005, AOL began placing outbound calls to its paying AOL Internet Phone Service customers from whom it had not yet received a completed acknowledgement. Customers were warned that their service would be disconnected if AOL does not receive an acknowledgement by August 25, 2005.

6. Additional Acknowledgement Methods

⁶ In addition to regular service accounts and beta service accounts, AOL has certain interconnected VoIP press accounts. These accounts were set up when the product was first launched to allow members of the media to evaluate AOL's service. If press account users wish to continue to use their AOL Internet Phone service, AOL is requiring that these users register through the regular registration process. All of the press account users that have not re-registered as a regular account will be disconnected by August 30, 2005.

While the pop-up notification and acknowledgement process is the main method of obtaining customers' acknowledgement of the E911 limitations of the AOL Internet Phone Service, AOL has the ability to receive customer acknowledgments by phone and fax. As discussed above in the direct mail section, AOL provided its customers with an acknowledgment form that they were asked to fax to AOL. In addition, AOL customer service representatives ("CSR"s) have been trained to take a customer acknowledgement over the phone if the customer prefers that method. For a verbal acknowledgement, the CSR reads the full VoIP E911 notification to the customer, and the customer is asked a series of questions to ensure that he/she both understands and acknowledges the limitations of interconnected VoIP service. The verbal acknowledgement is recorded. The CSR completes a written form in addition to the verbal recording, reflecting the CSR's acknowledgement that he/she read the full VoIP E911 notification to the subscriber and that the subscriber acknowledged the limitations.

B. New Subscribers

For customers subscribing to the AOL Internet Phone Service services since July 12, 2005, the E911 notification and acknowledgement is part of the registration process. More specifically, the registration path includes a screen with the same notification described above for the pop-up notification and acknowledgment process for existing subscribers. In order to complete the registration, customers must check that they have read the disclosure and type "I Agree" into a text box. For customers subscribing to the service by phone, the CSR will read the E911 notification to the customer. Then the customer is still required to complete the online registration, including checking that he/she have read the disclosure and typing "I Agree" into a text box before his/her order is completed.

II. Warning Stickers

A. Existing Subscribers

AOL has distributed by U.S. mail warning stickers highlighting the limitations of E911. AOL mailed these warning stickers to customers between July 19 and July 26, 2005. An additional mailing was made on July 29, 2005 to customers whose apartment or unit numbers may have been inadvertently dropped from their address label during the first round of mailings.

B. New Subscribers

For new subscribers (customers subscribing since July 12, 2005), E911 warning stickers are sent out in the customer fulfillment kit (which includes telephone adapter), and which is mailed soon after the customer orders service. E911 warning stickers were included in all customer fulfillment kits starting on July 15, 2005. A separate mailing of E911 warning stickers was made to customers who registered between July 12 and July 15. These customers completed the automated notification and acknowledgement steps in the registration process. Because, however, they may not have received the E911 warning stickers in their fulfillment kits depending on when these kits were shipped, AOL took the additional measure of a separate mailing.

C. Success of Warning Label Distribution

AOL has sent E911 warning stickers to all of its existing AOL Internet Phone Service customers, and all new customers duly receive E911 warning stickers together with their telephone adapter soon after they order service.

III. Actions Related to Customers Who Fail to Acknowledge Notification

AOL expects to obtain all acknowledgements from subscribers prior to August 29, 2005. Therefore, we do not believe there will be a need to disconnect subscribers. In the event AOL fails to obtain the acknowledgment from any subscriber, AOL is prepared to disconnect his/her AOL Internet Phone Service no later than August 30, 2005.

IV. Maintenance of Customer Acknowledgments

Customer acknowledgements from existing customers received through the pop-up process and from new customers received through the online registration process are stored in a centralized online database. AOL supplements this centralized database with the acknowledgments that it obtains through the other methods described above. To achieve this, CSRs transmit phone and fax acknowledgements that they receive to the AOL Internet Phone Service data team, which maintains the centralized database. The centralized database records the customer's screenname, type of customer (paying subscriber or beta user), date/time stamp of their acknowledgement, and type of acknowledgement (pop-up, AOL Keyword Pop-Up, fax, or verbal recording). All acknowledgement data are sent to the AOL Internet Phone Service data team and processed as follows:

- The Pop-up team sends an automatic file nightly to the data team.
- Fax and verbal acknowledgements are scanned into the Member Services computer system, and stored by Member Services for future retrieval. The list of users who have acknowledged via fax/verbally is sent in a daily file from Member Services to the data team, which updates the centralized database accordingly.
- The pop-up team is also sent the latest fax and verbal recording data, so as to keep the pop-up rosters up to date.

EXHIBIT IV(C)(6)



Tekedra McGee Jefferson
Assistant General Counsel
email: TekedraM@aol.com

November 28, 2005

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Suite TW-A325
Washington, D.C. 20554

Re: Compliance with the Commission's 911 Requirements for
Interconnected VoIP Services, WC Docket Nos. 04-36 & 05-196

Dear Ms. Dortch:

AOL Enhanced Services, LLC ("AOL"), a wholly owned subsidiary of America Online, Inc., submits this Compliance Letter in response to the Commission's *VoIP E911 Order* and its Public Notice of November 7, 2005.¹ As reflected in AOL's previous submissions in the above-referenced dockets, AOL has fully complied with the Commission's subscriber notification, acknowledgement, and labeling requirements and it has worked exhaustively to develop technical solutions that will detect when a subscriber attempts to use the AOL TotalTalk Service from any

¹ *IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10273 ¶ 50 (2005) ("*VoIP E911 Order*"); Public Notice, *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 & 05-196 (Nov. 7, 2005) ("*November 7 Public Notice*").

location other than the Registered Location.² AOL welcomes this additional opportunity to detail the compliance of its TotalTalk service with the Commission's 911 rules for interconnected VoIP services. AOL responds below to the specific questions set forth in the *November 7 Public Notice*.

1. 911 Solution

As described below, AOL provides E911 service to 100 percent of its TotalTalk subscribers as required by the Commission's rules. AOL relies on its carrier partner, Level 3 Communications, LLC ("Level 3") to provide network transmission, interconnectivity, and E911 capabilities. Level 3 has indicated that, as of November 18, 2005, it provided E911 service that reaches approximately 68 percent of U.S. households and that this percentage will increase in the near future. AOL is able to provide E911 service only within Level 3's E911 footprint and accordingly will not register any person who submits a Registered Location outside Level 3's coverage area.

- **911 Routing Information/Connectivity to Wireline E911 Network.** On AOL's behalf, Level 3 transmits "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."³ Level 3's E911 service provides direct connectivity to all Selective Routers within its E911 footprint. All 911 calls made using Level 3's E911 services are routed by the Selective Routers to the appropriate PSAP on dedicated trunk lines or are otherwise directly routed to the appropriate PSAP. Level 3 had direct connectivity to

² See Letter of Curtis Lu, Acting General Counsel, America Online, Inc., to Marlene Dortch, Secretary, FCC, WC Docket Nos. 04-36 & 05-196 (Nov. 25, 2005) (describing movement-

detection solutions) ("*AOL Movement-Detection Solution Letter*"); Letter of Tekedra M. Jefferson, Assistant General Counsel, America Online, Inc., to Marlene Dortch, Secretary, FCC, WC Docket No. 05-196 (Aug. 10, 2005) (reporting that AOL had obtained acknowledgements from 98% of its subscribers as of August 10, 2005). AOL has since obtained acknowledgements from the remaining 2% of its subscribers.

³ *November 7 Public Notice* at 3 (quoting *VoIP E911 Order* at ¶ 42).

approximately 315 Selective Routers as of November 18, 2005, and it expects this number to increase in the near future.

- **Transmission of ANI and Registered Location Information.** On AOL's behalf, Level 3 transmits ANI and Registered Location information via the Wireline E911 Network to all answering points that are capable of receiving and processing this information within Level 3's E911 footprint.⁴
- **911 Coverage.** As noted above, AOL has achieved full 911 compliance in all areas of the country in which it offers an interconnected VoIP service. Moreover, as described below, AOL will suspend all TotalTalk calling capabilities whenever a subscriber indicates an intent to access the service from a location other than the Registered Location. Because AOL relies on Level 3 to provide E911 capabilities, AOL's ability to provide E911 in areas outside Level 3's E911 footprint — where AOL does not currently offer VoIP service — will depend on Level 3's progress in expanding that footprint.

2. Obtaining Initial Registered Location Information

AOL has obtained each existing subscriber's Registered Location and obtains each new subscriber's Registered Location through the TotalTalk registration process. During that process, AOL requires the potential subscriber to input the service address from which TotalTalk will be used. The address is validated with Level 3 to ensure that it is within Level 3's E911 footprint. If the address is within that footprint, the individual is permitted to proceed with the registration process. If the address cannot be validated, then AOL sends a message indicating that TotalTalk is not available at the individual's location. This process ensures that TotalTalk is provisioned only at addresses for which E911 service is available. Because AOL implemented this registration system before launching the TotalTalk service, AOL has the Registered Location for 100% of its TotalTalk subscribers.

⁴ Although AOL interprets the *VoIP E911 Order* to authorize the provision of VoIP service during the interval when a subscriber's Registered Location cannot be transmitted to the PSAP because the ALI database update is pending, *see VoIP E911 Order* at ¶ 44 & n.143, AOL has decided out of an abundance of caution to delay initiation of service to subscribers obtaining new telephone numbers until AOL obtains confirmation that E911 is activated at the Registered Location. If a customer ports a telephone number from a local telephone company, AOL will provide VoIP service immediately, because any suspension would threaten to deprive the subscriber of lifeline communications capabilities. During the initial interval when the ALI update is pending and location information thus cannot be passed to a PSAP, Level 3 will transmit any 911 calls to the geographically appropriate PSAP with the subscriber's call-back information. AOL is working with Level 3 to ensure that this initial interval is as brief as possible.

3. Obtaining Updated Registered Location Information

While AOL does not currently enable subscribers to use TotalTalk nomadically, it offers subscribers several ways to update their Registered Location, consistent with the Commission's rules. These tools enable subscribers to indicate the location from which they plan to use the Telephone Adapter ("TA") or the "soft phone" feature of TotalTalk (the softphone enables VoIP communications using the America Online, Inc. instant messaging ("AIM") platform).

Subscribers can update the TA location by calling — via the telephone connected to the TA — a TotalTalk Member Services representative to change the TA location. The TA location also can be updated on the TotalTalk web Dashboard, where the Registered Address is saved as an account setting. Finally, a subscriber can update the TA location by accessing an interactive voice menu and selecting the Registered Location. If the subscriber informs AOL of a permanent move of the TA to a new location, and the new address is within Level 3's E911 footprint, AOL will activate service at the new Registered Location. In addition, if AOL authorizes subscribers to use TotalTalk nomadically (again, such use is not permitted currently), subscribers will have the ability to update their temporary location information thru the means discussed herein.

For subscribers using the soft phone feature, the Registered Location must be confirmed by the subscriber at the beginning of every AIM client session using a simple web interface. Unless and until the subscriber confirms that he or she remains at the Registered Location using this interface, all soft phone calling capabilities will be disabled. As with use of the TA, if AOL authorizes nomadic use of the soft phone in the future, subscribers will be able to enter an alternative location at the start of an AIM client session. If and only if E911 service is available from that location, calling capabilities will be enabled.

4. Technical Solution for Nomadic Subscribers

As explained in an earlier letter,⁵ AOL has taken steps to prohibit subscribers from using TotalTalk nomadically and also is working exhaustively on a movement-detection solution to provide additional safeguards.

More specifically, if a subscriber notifies AOL that she will access the TotalTalk service from anywhere other than the Registered Location, AOL will suspend the calling capabilities of the subscriber's TA and/or the soft phone. The

⁵ *AOL Movement-Detection Solution Letter.*

subscriber will receive an intercept message indicating that calls cannot be placed from a location other than the address provided at the time of registration.⁶

In addition, AOL is in the process of implementing a movement-detection solution akin to AT&T's "Heartbeat Solution"⁷ to address the possibility that a subscriber could move the TA *without* informing AOL. Like other VoIP providers, AOL receives signals (or "heartbeats") from its TAs that enable the network to determine whether the TA has been disconnected from its power source and then reconnected. When such a disconnection followed by a reconnection occurs, because it could indicate that the subscriber has moved the TA to a new location, AOL will temporarily suspend the TA's calling capability until the subscriber confirms that the TA has not been moved.⁸ Specifically, AOL will notify the subscriber of the need to confirm the Registered Location before placing any calls. If the subscriber attempts to place a call before responding to this message, AOL will institute a call intercept that requires the subscriber to confirm the existing Registered Location.⁹ Once the subscriber provides this confirmation, service will be promptly restored and calls will then be completed. If the subscriber instead indicates a new address, service will remain suspended until the subscriber provides confirmation that the TA has returned to the Registered Location.¹⁰

⁶ If a caller attempts to dial 911 while the TotalTalk service is temporarily suspended as a result of a known location change, AOL will intercept the 911 call and direct the subscriber to contact emergency services through other means. Transmitting the 911 call to the PSAP serving the default Registered Location after the subscriber has indicated his absence from that location would undermine, rather than promote, public safety.

⁷ See Ex Parte Letter of Robert W. Quinn, Federal Government Affairs Vice President, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-36 & 05-196 (Oct. 7, 2005) ("*AT&T Heartbeat Letter*").

⁸ The current solution available from AOL's vendor can detect when a TA has been disconnected and reconnected, unless the reconnection occurs in less than 60 minutes. AOL is already working to promptly develop the capability to detect any disconnection followed by a reconnection that occurs within 30 minutes. See *AOL Movement-Detection Solution Letter*.

⁹ If a customer dials 911 while the service is suspended as a result of a *possible* location change, AOL will route the 911 call to the PSAP associated with the subscriber's Registered Location, because most power interruptions will not in fact indicate a location change.

¹⁰ While implementation of this solution requires the development of new systems and interfaces, as well as testing and debugging, AOL expects to complete these steps no later than December 31, 2005. If AOL does not complete its implementation of the technical solution by that date, it has committed to making

For calls placed through the soft phone feature of TotalTalk, AOL has developed an electronic interface that provides protections equivalent to those afforded by the "heartbeat" approach. Each time a TotalTalk subscriber logs onto the AIM service, the interface will require an affirmative confirmation of the subscriber's location. If the subscriber confirms use of the feature from the Registered Location, the call will be transmitted and E911 service will be available just as if the 911 call were placed from the TA. If the subscriber indicates an address other than the Registered Location, as noted above AOL will suspend the soft phone calling feature and notify the subscriber accordingly.

AOL is pleased to have the opportunity to describe its compliance with the *VoIP E911 Order*. Please contact the undersigned if you have any questions regarding the matters discussed in this letter.

Respectfully submitted,

/ s /

Tekedra M. Jefferson
Assistant General Counsel

Copies by e-mail to:

- Kathy Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, kathy.berthot@fcc.gov;
- Janice Myles, Competition Policy Division, Wireline Competition Bureau, janice.myles@fcc.gov;
- Best Copy and Printing, Inc. (BCPI), fcc@bcpiweb.com.

escalating voluntary contributions to a public safety foundation for each "grandfathered" subscriber and to refraining from signing up new customers until the solution is in place. *See AOL Movement-Detection Solution Letter.*

EXHIBIT IV(C)(7)



November 25, 2005

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *IP-Enabled Services*, WC Docket No. 04-36; *E911 Requirements for IP-Enabled Service Providers*, WC Docket No. 05-196

Dear Ms. Dortch:

AOL Enhanced Services, LLC ("AOL"), a wholly owned subsidiary of America Online, Inc., submits this *ex parte* letter to update the Commission on its plans to ensure that its TotalTalk VoIP service provides access to E911 services in compliance with the Commission's rules.¹ AOL fully supports the Commission's efforts to ensure that the deployment of VoIP services meet public safety needs, and from the initial planning stages for AOL's TotalTalk service, AOL has been committed to providing effective emergency-calling solutions.

AOL's TotalTalk service enables customers to have IP-enabled voice conversations with both broadband-connected and PSTN-connected telephone users. Subscribers can place and receive calls using an ordinary telephone by attaching it to a telephone adapter ("TA"), which in turn connects to the subscriber's broadband modem. In addition, TotalTalk includes a "soft phone" feature, which enables VoIP communications using the America Online, Inc. instant messaging platform.

¹ Public Notice, *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 & 05-196 (Nov. 7, 2005) (encouraging providers of interconnected VoIP service to develop technical solutions to ensure the availability of 911 service to nomadic users).

Since the release of the *VoIP E911 Order*,² AOL has devoted substantial resources to ensuring that TotalTalk, including the innovative soft phone feature, will be provided only where E911 is available. As the Commission has recognized, existing technological limitations present significant challenges to the proper routing of 911 calls when the subscriber accesses a VoIP service from a location other than the Registered Location. Accordingly, as described below, AOL has taken steps to prevent subscribers from using TotalTalk in a nomadic fashion. In addition, AOL is working exhaustively to implement a solution that will detect when a subscriber attempts to use TotalTalk from an unregistered location.

Consistent with the Commission's rules, AOL requires subscribers to provide a Registered Location and has arranged to route 911 calls with ANI and ALI to the PSAP serving that location. AOL has entered into an agreement with Level 3 Communications to obtain access to the dedicated Wireline E911 network, and AOL will not register any subscriber who submits a Registered Location outside Level 3's E911 footprint.

On or before November 28, 2005, if a subscriber notifies AOL that she will access the TotalTalk service from anywhere other than the Registered Location, AOL will suspend the calling capabilities of the subscriber's TA and the soft phone.³ The subscriber will receive an intercept message indicating that calls cannot be placed from a location other than the address provided at the time of registration. Through such suspensions of outbound service, and as will be made clear by the TotalTalk Terms of Service, subscribers will be prohibited from using TotalTalk nomadically.

While AOL will suspend calling capabilities whenever a subscriber indicates that the TA has been moved from the Registered Location, AOL recognizes that a subscriber could — in violation of the TotalTalk Terms of Service — move the TA *without* informing AOL. To address these concerns, AOL plans to implement a movement-detection solution akin to AT&T's

² *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36 & 05-196, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116, 20 FCC Rcd 10245 (2005) (“*VoIP E911 Order*”).

³ If the subscriber informs AOL of a permanent move to a new location, and the new address is within Level 3's E911 footprint, AOL will activate service at the new Registered Location.

will remain suspended until the subscriber provides confirmation that the TA has returned to the Registered Location.

For calls placed through the soft phone feature of TotalTalk, AOL has developed an electronic interface that provides protections equivalent to those afforded by the "heartbeat" approach. This interface will be operational on or before November 28, 2005. Each time a TotalTalk subscriber logs onto the instant messaging service, the interface will require an affirmative confirmation of the subscriber's location. If the subscriber confirms use of the feature from the Registered Location address, the call will be transmitted and E911 service will be available just as if the 911 call were placed from the TA. If the subscriber indicates an address other than the Registered Location, as noted above AOL will suspend the soft phone calling feature and notify the subscriber accordingly.⁸

In summary, AOL's compliance plan builds on its movement-detection solutions and consists of the following components:

1. AOL already provides E911 to all existing TotalTalk subscribers at their Registered Locations. AOL will not add any new subscribers whose Registered Locations are in areas where AOL cannot provide E911.

2. The TotalTalk Terms of Service prohibit subscribers from attempting to access the TotalTalk service from a location other than the Registered Location without first informing AOL. By November 28, 2005, if a subscriber notifies AOL that she will access the TotalTalk service from anywhere other than the Registered Location, AOL will suspend the calling capabilities of the subscriber's TA and the soft phone.

⁸ Finally, we note that, although we interpret the *VoIP E911 Order* to authorize the provision of VoIP service during the interval when E911 is unavailable as a result of the processing of ALI database updates, *see VoIP E911 Order* at ¶ 44 & n.143, we have decided out of an abundance of caution to delay initiation of service to customers obtaining new telephone numbers until AOL obtains confirmation that E911 is activated at the Registered Location. Where a customer ports a number from a local telephone company, AOL will provide VoIP service immediately, because any suspension would threaten to deprive the subscriber of lifeline communications capabilities. During the initial interval when the ALI update is pending and location information thus cannot be passed to a PSAP, AOL will transmit any 911 calls to the geographically appropriate PSAP with the subscriber's call-back information.

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3. To ensure proper routing of 911 calls placed through the soft phone feature, AOL will implement by November 28, 2005 an electronic interface that will require an affirmative confirmation of the subscriber's location each time the subscriber logs onto the instant messaging service.

4. AOL is working exhaustively to implement the movement-detection solution described above for its TAs. AOL expects this new solution to be fully implemented no later than December 31, 2005. This solution, together with the soft phone interface, will enable AOL to suspend service when a subscriber moves to a location other than the Registered Location, even if the subscriber fails to inform AOL of the location change. AOL will stop accepting new TotalTalk subscribers as of January 1, 2006 if AOL has been unable to implement the movement-detection solution as described above.

5. To support the cooperative efforts of the many entities, including public safety organizations, that must work together to make 911 possible for VoIP, AOL will contribute to the Public Safety Foundation, the Fraternal Order of Police Foundation, or a similar organization on the following basis: AOL will contribute an amount equal to \$0.25 per subscriber per day for the number of days that each subscriber remains grandfathered (as described in this paragraph) between November 28, 2005 and December 31, 2005. Beginning January 1, 2006, the payment will increase to \$0.50 per subscriber per day; on February 1, 2006, the payment will increase to \$0.75 per subscriber per day; and on March 1, 2006, the payment will increase to \$1.00 per subscriber per day for any subscribers who remain grandfathered. For purposes of this section, grandfathered subscribers are those for whom AOL has not implemented the automatic capability described in this letter to detect subscriber attempts to move the interconnected VoIP service.

6. AOL will file compliance updates with the Commission each month detailing its progress in implementing the steps outlined above, unless the Commission relieves AOL of this obligation.

AOL commends the Commission for its commitment to public safety and appreciates the opportunity to work with the Commission to ensure that its VoIP services include appropriate emergency-calling capabilities. Please contact the undersigned if you have any questions regarding the matters discussed in this letter.

Respectfully submitted,

/ s /

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November 25, 2005
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Curtis Lu
Acting General Counsel
America Online, Inc.

DOCUMENT SET A

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

DOCUMENT SET B

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

DOCUMENT SET C

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

DOCUMENT SET D

**To be submitted upon resolution of request
for higher level confidentiality protection
and/or completion of data collection**

DOCUMENT SET E

**To be submitted upon resolution of request
for higher level confidentiality protection
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DOCUMENT SET F

**To be submitted upon resolution of request
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DOCUMENT SET G

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